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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ZHONG, CHAD	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 04/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/614,867	SAHAI ET AL.	
	Examiner	Art Unit	
	Chad Zhong	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2004* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☒ Claim(s) *1,9 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Final Action

1. This action is responsive to communications: Amendment, filed on 04/07/2004. This action has been made final.

2. Claims 1-18 are presented for examination. In amendment A, filed on 04/07/2004: claims 1, 9, 17 are amended.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention of which the claims are directed. The current title is imprecise.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants fail to teach the detail of reading the cookie residing in a client computer and to take different courses of actions depending upon the content of the cookie. Specifically, Applicants fail to teach the special steps taken by a second website's program to read the cookie stored in the user's computer and to determine the content of

the cookie.

According to the specification of the Persistent Client State HTTP Cookies[1] program from a second domain cannot read cookie from a first domain. "A cookie can only be read and modified by an object in the valid domain and path defined in the cookie when it was created. The domain path cannot be set to send cookies to a domain outside of the domain where server creating the cookie resides. The domain attribute is set to the domain of the document sending the cookie by default"[2].

If a cookie contains information indicating that the user's computer has already installed a product related to the first website, the cookie inherently is set by the first website. If the second website is going to offer the user a product when the user has not already used the product from the first website, the second website inherently is different and distinct from the first website, i.e. the two websites have different domains.

In order to implement the claimed invention, it requires the program from the second domain [second website] to read the cookie from the first domain [first website]. However, according to the specification of HTTP Cookies as set forth hereinabove, no other website [the second website] can read the first website's cookie. As such, it is not clear how the claimed invention can be implemented while still following the specification of the HTTP Cookies. In summary, applicants fail to teach the specific methods which allow the program in the second website to read the first website's cookie stored in the user's computer.

The Examiner submits that it would require undue experimentation for one of ordinary skill in the art to make and use the invention for the reason set forth

hereinabove. Applicants are reminded that no new matter is allowed in the amendment to the specification under 35 U.S.C 132 and 37 CFR 1.118(a).

[1] Http://wp.setscape.com/newsref/std/cookie_spec
[2] Http://webmaster.info.aol.com/aboutcookies

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The claim language in the following claims is murky or not clearly understood:

i. As per claim 1, line 11, it is not clearly understood the meaning of the word "positive" (i.e. does positive mean true when determination from cookie whether the user already possesses product or service?); line 14, it is not clearly understood the meaning of the word "negative" (i.e. does negative mean false when determination from cookie whether the user already possesses product or service?).

ii. As per claim 9, line 11, it is not clearly understood the meaning of the word "positive" (i.e. does positive mean true when determination from cookie whether the user already possesses product or service?); line 14, it is not clearly understood the meaning of the word "negative" (i.e. does negative mean false when determination from cookie whether the user already possesses product or service?).

iii. As per claim 17, line 14, it is not clearly understood the meaning

of the word "positive" (i.e. does positive mean true when determination

from cookie whether the user already possesses product or service?); line 17, it is not clearly understood the meaning of the word "negative" (i.e. does negative mean false when determination from cookie whether the user already possesses product or service?).

Conclusion

14. Applicant's remarks filed 04/07/2004 have been considered but are found not persuasive in view at the new grounds at rejection necessitated by Applicant's amendment.

15. In the remark, the applicant argued in substance that there exist system wherein cookies can indeed be read between different domains and sited specific sections on page 2 of Sentrysystems.com as evidence. The applicant further went on to explain the encryption of cookies by companies allows only server or application that created the cookie can decipher the contents of the cookie, accordingly without encryption, cookies can be read across different domains.

In response to applicant's amendment, the Sentrysystems.com paper provide further evidence that cookies can not be shared across different domains. Referring to page 2 and 3, under section "What Can Cookies NOT Do?", there exist a subsection "Cookies can not be transferred to other domains". This sections explicitly states that "it is impossible to send cookie information other domains for systems adhering to the cookie specification". The special case being "cookie replication service", of which Sentrysystem.com does not provide. Thus, Sentrysystem.com does not teach sharing of cookies across different domains as it is impossible.

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to changing program of remote nodes.

i. US 6/064,979 to Perkowski. Discloses e-commerce application comparing different product numbers to determine the availability of the service. compare UPN against MIN

ii. US 6/035,334 to Martin et al. Teaches redirection and URL embedded within the cookie.

iii. US 2002/0019828 to Mortl. Teaches redirection and URL embedded within the cookie.

iv. US 2002/0035611 to Dooley. Teaches redirection and URL embedded within the cookie.

v. US 6/161,643 to Cheng et al. Teaches software updates different vendors.

vi. US 2002/0099622 to Langhammer. Teaches cookie checking in E-commerce environment

vii. US 2002/0062343 to Appleman et al. Teaches redirection and URL embedded within the cookie. URL, redirection, cookies.

viii. US 6/453347 to Revashetti et al. Teaches determining by program from cookie whether the user already posses product or service, the offering by the website to supply product or service to the user when determination of availability of the product or service is negative.

ix. US 2002-0199004 to Jaye. Teaches a site provide URL offering product/service as well as specifying a program on the site, next redirection of user is possible based on URL provided in the cookie.

xi. Telecommunications system. St. Louis: Jun 1997. Vol. 69, Iss. 6; pg 8, 2 Cookies on your hard drive. Wayland Hancock Teaches cookies on local harddrive and their impacts to the user and network environment.

xii. Cookiecentral.com "The dark side", teaches cookies issued by the same server can be read later by the same server

xiii. "Persistent Client State HTTP Cookies", disclosed only host within the specified domain can set a cookie on domain.

xiv. "Microsoft Cookies jump Domains", teaches direct to server which controls globally unique identifiers (GUIDs)

xv. AOL Webmaster.info, "About Cookies", disclosed that a cookie can be accessed only by another server/host from the same domain, wherein the server is the one who creates the cookie.

xvi. Internet Explorer "Open Cookie Jar", disclose how a web site can read Internet Explorer (IE) cookies set from ANY domain by redirect and **mislead** the IE to read the cookie in the other domain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703)305-0718. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703)305-9678. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

CZ
April 19, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100